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COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Government of Ukraine
dated 17 February 1998

GE.98-13080 (E)

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to its note No. G/SO 212/26 (1) of 2 December 1997 has the honour to submit the information in reply to the questionnaire on human rights of migrants.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 17 February 1998

Replies to the questionnaire on the human rights of migrants

1. As of 1 January 1997, the population of Ukraine was 50,893,500.

As to the number of non-nationals having authorization to work in Ukraine, 1,650 work permits were issued by the State Employment Centre in 1997.

According to some estimates, there are from 20,000 to 30,000 illegal (irregular) immigrants in the country.

2. Measures to protect the human rights of migrants

In accordance with the Constitution, non-nationals legally present in the country have the same rights as citizens of Ukraine.

The rights of non-nationals, including migrants, are protected by the relevant legislation: for example, the Law on the Legal Status of Non-nationals, which lays down the basic rights, freedoms and obligations of non-national citizens and persons without citizenship resident, or temporarily present, in Ukraine and regulates such questions as their arrival in, or departure from, the country.

Under this law, migrants have the right to education. Specifically, article 14 provides that non-nationals permanently resident in Ukraine have equal rights to education with nationals. All other non-nationals pay for their education, unless otherwise provided by legislation and international agreements to which Ukraine is a party. Education in intermediate schools is free; in tertiary institutions and intermediate specialist schools, fees are payable. Non-nationals admitted to educational and training institutions in Ukraine have the rights and obligations as pupils and students specified by Ukrainian legislation.

Non-nationals residing in Ukrainian territory have access to public information (press, radio, television). They have the right to avail themselves of cultural facilities, the right to freedom of conscience, etc.

Non-nationals living in the territory of Ukraine have rights to take remunerative employment, to leisure, and to health care. Those permanently resident in Ukraine enjoy the same access to medical services as citizens. Medical care is available to all other non-nationals against payment.

Legal advice is available to migrants in Ukraine on various matters (information on current legislation regarding residence by non-nationals, procedures for leaving Ukraine, etc.). Assistance for migrants is provided by charitable and religious organizations, and in Kiev, the Crimea and Transcaucasia there are migrant assistance centres.

At the present time, a number of pieces of legislation are under preparation to define more clearly the rights and obligations of migrants.

3. Officially, no manifestations of racism, or xenophobia are on record, but State authorities are aware of cases of prejudice against migrants in

everyday life and are taking steps to promote an atmosphere of tolerance and mutual respect for representatives of various ethnic and racial groups.

4. The current economic crisis in Ukraine precludes ratification of the instruments listed in the questionnaire, but, in its dealings with migrant workers, Ukraine is guided by international legal standards, in particular those laid down in ILO conventions and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Ukraine has also signed a number of international and intergovernmental agreements on mutuality of employment regulations and social protection for migrant workers: for example, an intergovernmental agreement on social security has been signed between Ukraine and Spain (submitted for ratification in 1997), and between the countries of the Commonwealth of Independent States on cooperation in the field of labour migration and social protection for worker migrants (ratified in 1995). Intergovernmental agreements have also been signed and ratified by Ukraine on the above-mentioned matters with Russia, Moldova, Lithuania, Armenia, Belarus, Latvia, the Czech Republic, Azerbaijan and Estonia.

Draft agreements on resettlement have also been prepared by Ukraine with former Soviet republics: in particular between Ukraine and the Russian Federation on the regulation of resettlement and the protection of the rights of those engaged in resettlement; between Ukraine and Georgia on voluntary resettlement and the protection of the rights of persons engaged in resettlement and members of their families; between Ukraine and Latvia on the regulation of voluntary resettlement; between Ukraine and Kazakhstan on the regulation of voluntary resettlement and protection of the rights of persons engaged in resettlement and members of their families.

Ukraine is also engaged in preparing draft agreements on the return to Ukraine of deported persons forcibly expelled (deported) from Ukraine on nationality grounds in the period 1941-1944 (Germans, Bulgarians, Armenians, Greeks and Tatars). For example, a draft agreement has been prepared between Ukraine and Uzbekistan on cooperation in assisting the voluntary return of deported persons to Ukraine, and similar draft agreements have been prepared between Ukraine and the Kyrgyz Republic, the Russian Federation and Tajikistan.